

HOUSE BILL 1023

E1

2lr2466

By: **Calvert County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County – Litter Control Law – Local Ordinance**

3 FOR the purpose of authorizing the governing body of Calvert County to adopt a
4 certain ordinance to prohibit littering and to impose certain criminal and civil
5 penalties for a violation of the ordinance; and generally relating to the litter
6 control law.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 10–110
10 Annotated Code of Maryland
11 (2002 Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 10–110.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Bi–county unit” means:

18 (i) the Maryland–National Capital Park and Planning
19 Commission; or

20 (ii) the Washington Suburban Sanitary Commission.

21 (3) “Litter” means all rubbish, waste matter, refuse, garbage, trash,
22 debris, dead animals, or other discarded materials of every kind and description.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Public or private property" means:

2 (i) the right-of-way of a road or highway;

3 (ii) a body of water or watercourse or the shores or beaches of a
4 body of water or watercourse;

5 (iii) a park;

6 (iv) a parking facility;

7 (v) a playground;

8 (vi) public service company property or transmission line
9 right-of-way;

10 (vii) a building;

11 (viii) a refuge or conservation or recreation area;

12 (ix) residential or farm property; or

13 (x) timberlands or a forest.

14 (b) The General Assembly intends to:

15 (1) prohibit uniformly throughout the State the improper disposal of
16 litter on public or private property; and

17 (2) curb the desecration of the beauty of the State and harm to the
18 health, welfare, and safety of its citizens caused by the improper disposal of litter.

19 (c) A person may not:

20 (1) dispose of litter on a highway or perform an act that violates the
21 State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances
22 on highways; or

23 (2) dispose or cause or allow the disposal of litter on public or private
24 property unless:

25 (i) the property is designated by the State, a unit of the State,
26 or a political subdivision of the State for the disposal of litter and the person is
27 authorized by the proper public authority to use the property; or

1 (ii) the litter is placed into a litter receptacle or container
2 installed on the property.

3 (d) If two or more individuals are occupying a motor vehicle, boat, airplane,
4 or other conveyance from which litter is disposed in violation of subsection (c) of this
5 section, and it cannot be determined which occupant is the violator:

6 (1) if present, the owner of the conveyance is presumed to be
7 responsible for the violation; or

8 (2) if the owner of the conveyance is not present, the operator is
9 presumed to be responsible for the violation.

10 (e) Notwithstanding any other law, if the facts of a case in which a person is
11 charged with violating this section are sufficient to prove that the person is
12 responsible for the violation, the owner of the property on which the violation allegedly
13 occurred need not be present at a court proceeding regarding the case.

14 (f) (1) A person who violates this section is subject to the penalties
15 provided in this subsection.

16 (2) (i) A person who disposes of litter in violation of this section in
17 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
18 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30
19 days or a fine not exceeding \$1,500 or both.

20 (ii) A person who disposes of litter in violation of this section in
21 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
22 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
23 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

24 (iii) A person who disposes of litter in violation of this section in
25 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
26 gain is guilty of a misdemeanor and on conviction is subject to imprisonment not
27 exceeding 5 years or a fine not exceeding \$30,000 or both.

28 (3) In addition to the penalties provided under paragraph (2) of this
29 subsection, a court may order the violator to:

30 (i) remove or render harmless the litter disposed of in violation
31 of this section;

32 (ii) repair or restore any property damaged by, or pay damages
33 for, the disposal of the litter in violation of this section;

1 (iii) perform public service relating to the removal of litter
2 disposed of in violation of this section or to the restoration of an area polluted by litter
3 disposed of in violation of this section; or

4 (iv) reimburse the State, county, municipal corporation, or
5 bi-county unit for its costs incurred in removing the litter disposed of in violation of
6 this section.

7 (4) In addition to, or instead of, the penalties provided in paragraphs
8 (2) and (3) of this subsection, the court may suspend for up to 7 days the license of the
9 person to operate the type of conveyance used in the violation who is presumed to be
10 responsible for the violation under subsection (d) of this section.

11 (g) A law enforcement unit, officer, or official of the State or a political
12 subdivision of the State, or an enforcement unit, officer, or official of a commission of
13 the State, or a political subdivision of the State, shall enforce compliance with this
14 section.

15 (h) A unit that supervises State property shall:

16 (1) establish and maintain receptacles for the disposal of litter at
17 appropriate locations where the public frequents the property;

18 (2) post signs directing persons to the receptacles and serving notice of
19 the provisions of this section; and

20 (3) otherwise publicize the availability of litter receptacles and the
21 requirements of this section.

22 (i) (1) Fines collected for violations of this section shall be disbursed:

23 (i) to the county or municipal corporation where the violation
24 occurred; or

25 (ii) if the bi-county unit is the enforcement unit and the
26 violations occurred on property over which the bi-county unit exercises jurisdiction, to
27 the bi-county unit.

28 (2) Fines collected shall be used to pay for litter receptacles and
29 posting signs as required by subsection (h) of this section and for other purposes
30 relating to the removal or control of litter.

31 (j) (1) The legislative body of a municipal corporation may:

32 (i) prohibit littering; and

1 (ii) classify littering as a municipal infraction under Article 23A,
2 § 3(b) of the Code.

3 (2) The governing [body] **BODIES** of Prince George's County **AND**
4 **CALVERT COUNTY** may **EACH** adopt an ordinance to prohibit littering under this
5 section and, for violations of the ordinance, may impose criminal penalties and civil
6 penalties that do not exceed the criminal penalties and civil penalties specified in
7 subsection (f)(1) through (3) of this section.

8 (k) This section may be cited as the "Litter Control Law".

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.